

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16229 of 2003

For Approval and Signature:

HON'BLE MISS JUSTICE R.M.DOSHIT

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

AVDHOOT INDUSTRIES

Versus

DEPUTY ENGINEER, G.E.B. AND ANR.

Appearance:

1. Special Civil Application No. 16229 of 2003
MR BHARAT T RAO for Petitioner No. 1
MR SN SINHA for Respondent No. 1
..... for Respondent No. 2
-

CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT

Date of decision: 11/02/2004

ORAL JUDGEMENT

RULE returnable today.

Learned advocate Mr.Sinha waives service of rule.

The petitioner, an industrial consumer of electricity, challenges the order dated 30th August, 2003 made by the Appellate Committee.

The electrical installation at the premises of the petitioner was checked on 10th December, 2002. Upon such checking the petitioner was found to have consumed unauthorised extension of load at 78.44 H.P. as against the contracted load of 50 H.P. A supplementary bill in the sum of Rs.3,91,640=78 was issued to the petitioner. Feeling aggrieved, the petitioner preferred Appeal No.B-245/2003 before the Appellate Committee. The Appellate Committee has dismissed the Appeal by impugned order dated 30th August, 2003.

Only contention raised by Mr.Rao is that the petitioner had repeatedly called upon the respondent Board to produce the data recorded by MRI (Meter Reading Instrument) before the Appellate Committee. However, neither the Board produced such data nor the Appellate Committee considered the contention raised by the petitioner. Mr.Rao has submitted that MRI records all the data including the load consumed by the consumer. If such data were produced before the Appellate Committee the Appellate Committee could have ascertained whether in fact excessive load was consumed by the petitioner or not.

Learned advocate Mr.Sinha has appeared for the respondent Board and has submitted that the data recorded by MRI is not relevant at all. It records only the voltage and the time of consumption. The said instrument does not record load consumed by the consumer. The said data being totally irrelevant was not produced before the Appellate Committee.

Whether such data is relevant or not should have been produced before the Appellate Committee. In that case the Appellate Committee could have decided whether such data was relevant or not and, if relevant, in what manner. Indisputably, the contention raised by the petitioner has not been considered by the Appellate Committee.

In the circumstances, the petition is allowed. The impugned order dated 30th August, 2003 passed by the Appellate Committee is quashed and set aside. The Appeal preferred by the petitioner is remanded to the Appellate

Committee. The respondent Board shall produce the relevant data recorded by MRI before the Appellate Committee. The Appellate Committee may consider relevance of such data.

Rule is made absolute to the above extent. There shall be no order as to costs.

(Ms. R.M.Doshit, J.)

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